

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PATRICE A. DELANEY,

No. 3:13-cv-01761-ST

Plaintiff,

OPINION AND ORDER

v.

**THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,**

Defendant.

MOSMAN, J.,

On November 17, 2014, Magistrate Judge Stewart issued her Findings and Recommendations (“F&R”) [39], recommending that Defendant’s Motion for Summary Judgment [25] be DENIED and Plaintiff’s Motion for Judgment on the Pleading [26] should be GRANTED IN PART and DENIED IN PART. No objections to the F&R were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Stewart's recommendation and I ADOPT the F&R [39] as my own opinion. IT IS SO ORDERED.

DATED this 12th day of December, 2014.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge